

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office JUL 25 2005

Returned to applicant for correction _____

Corrected application filed _____

Map filed SEP 29 1978 under 35752

The applicant **Somersett Development Company, Ltd.** hereby makes application for permission to change the **Point of Diversion and Place of Use** of a portion of water heretofore appropriated under **Claim 278** of the **Truckee River Decree**, said Decree entered by the **District Court of the United States for Nevada** in that certain action entitled "**the United States of America, Plaintiff, vs. Orr Water Ditch Company, Defendants**" in Equity Docket A-3

1. The source of water is **Truckee River**
2. The amount of water to be changed **Claim 278 -32.12 af; along with a pro-rata share of the diversion rate.**
3. The water to be used for **as Decreed**
4. The water heretofore permitted for **as Decreed**
5. The water is to be diverted at the following point within the **SW¼ of the SW¼ of Sec.14, T19N, R18E, MDM** from which the **SW corner of said Section 14** bears **South 58° 30' West** a distance of **1400 feet**. Map filed with Permit No. **35752 - aka Mogul Pump Station**
6. The existing permitted point of diversion is located within **NE¼ of the SW¼ of Section 17, T19N, R19E, MDM**, or at a point from which the **NW corner of Section 20 T19N, R19E, MDM** bears **South 44° 40' West**, a distance of **3,211.00 feet - known as the Orr Ditch** Refer to map filed under Permit No. **67182**.
7. Proposed place of w/in **SE¼ SE¼ Sec.35 T20N,R18E, MDM** and portions of the following Sections: **S½ Sec.1, Sec.2, Sec.3. Sec.10, Sec.11, Sec 12 & N½ NE¼ Sec. 13 T19N, R18E, MDM** See map associated with Application to Change No. **70613**.
8. Existing place of use **8.03 acres within SW¼ SE¼ and SE¼ SE¼ Section 1 T19N, R19E. MDM** Refer to Map **TR-092 - all of Parcel Blocks 008-42 and 008-43**
9. Use will be from **As Decreed** to **As Decreed** of each year.
10. Use was permitted from **As Decreed** to **As Decreed** of each year.
11. Description of proposed works **Water will be diverted by existing motor pump, still well system and pipeline to place of use.**
12. Estimated cost of works **Completed**
13. Estimated time required to construct works **Completed**
14. Estimated time required to complete the application of water to beneficial use **5 years**

15. Remarks: For use in irrigation on golf course and landscaping. This is a temporary application to change to provide needed Truckee River water for the Somerset golf course and landscaping. Refer to pending Permanent Application to Change No. 72927.

By s/ Michael D. Buschelman
Michael D. Buschelman
Post Office Box 51371
Sparks, Nevada 89435

Compared mt/ gkl lt/ gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion and place of use of a portion of the waters of the Truckee River as heretofore granted under Claim 278, Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This temporary permit is limited to the irrigation of 5.02 acres within the described place of use and not to exceed an annual duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources. The period of use is as decreed.

The issuance of this temporary permit fully abrogates 32.12 acre-feet per season associated with the 8.03 acres under Truckee River Claim 278 as described in the existing place of use.

The issuance of this temporary permit is for the consumptive use portion only, being 2.5 acre-feet per acre of the base right. The remaining portion of the base right will remain in the river for use by other decreed right holders.

A monthly report shall be submitted to the Federal Water Master within 10 days from the end of each month which shall include the amount of water diverted and the amount of water used.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on September 15, 2006 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.134 cubic feet per second, but not to exceed 20.075 acre-feet decreed.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed on or before:

Water must be placed to beneficial use on or before:

Proof of the application of water to beneficial use shall be filed on or before:

Map in support of proof of beneficial use shall be filed on or before:

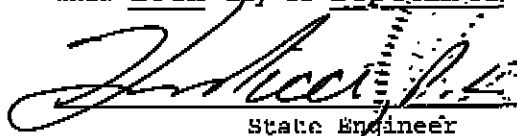
TEMPORARY

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 16th day of September, A.D. 2005.


State Engineer

